UNITED NATIONS

E

Economic and Social Council

Distr.
GENERAL

E/CN.4/1995/135
7 February 1995

ENGLISH
Original: ARABIC/ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-first session
Item 24 of the provisional agenda

RIGHTS OF THE CHILD

Note verbale dated 16 January 1995 from the Permament Mission of the Republic of Iraq to the United Nations Office at Geneva addressed to the Centre for Human Rights

The Permanent Mission of the Republic of Iraq to the United Nations Office in Geneva presents its compliments to the Centre for Human Rights and has the honour to enclose herewith a study entitled "The impact of the embargo on Iraqi children in the light of the Convention on the Rights of the Child".

The Centre for Human Rights is kindly requested to consider this study as a document under agenda item 24 of the fifty-first session of the Commission on Human Rights.

GE.95-10720 (E)

The impact of the embargo on Iraqi children in the light of the Convention on the Rights of the Child

I. The rights of the child in international instruments

1. International concern for the rights of the child was first manifested in the days of the League of Nations, which adopted the Geneva Declaration on 26 September 1924. That Declaration contained seven principles, which focused on the protection, assistance, development, nutrition and upbringing of children, as well as their preservation from disasters and their enjoyment of social security.

2. On 10 December 1948, the General Assembly of the United Nations adopted the Universal Declaration of Human Rights, article 25, paragraph 2, of which stipulated that: "Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection".

3. On 20 November 1959, the General Assembly of the United Nations proclaimed a Declaration of the Rights of the Child, which comprised a preamble and 10 principles. These principles specified, for the first time, the most important human rights that children should enjoy, such as the right to physical, mental, moral and social development, the right to enjoy the benefits of social security, the right to treatment for the physically, mentally or socially handicapped, the right to parental care, the right to education, the right to protection against all forms of neglect, cruelty and exploitation and the right to protection from all practices which might foster racial, religious or any other form of discrimination. Since its proclamation, this Declaration has virtually become a guideline for private and public endeavours to further the interests of children.

4. The two International Covenants (the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights), which were adopted on 16 December 1966, incorporated some of the fundamental rights of the child, such as: the right to protection from economic and social exploitation, the right to enjoy the highest standard of health and the right to enjoy the protection and care of their family and society as long as they are minors.

5. In view of the importance of children for the present and future of the world, there was a need to endow the rights of the child with the force of a legal instrument. Accordingly, in 1978, Poland submitted a draft convention on the rights of the child to the Commission on Human Rights, following which a working group was established, under the chairmanship of Professor Adam Lupatka, the delegate of Poland, to elaborate the draft convention. The group held a series of meetings from 1979 to 1989. The Convention on the Rights of the Child was adopted by the General Assembly of the United Nations on 20 November 1989 and entered into force on 2 September 1990 when it became part of international law.

6. The main principles embodied in the Convention can be summarized as follows:

(a) Every child has the inherent right to life and the States Parties shall ensure to the maximum extent possible the survival and development of the child.

(b) States shall ensure that every child enjoys his or her full rights without being subjected to any form of discrimination or segregation.

(c) Parents have the primary responsibility for the upbringing of the child and States shall render them the requisite assistance and shall ensure the development of institutions for the care of children.

(d) States shall ensure that the child is protected from physical or mental injury and neglect.

(e) Disabled children are entitled to receive special treatment, education and care.

(f) A child has a right to the highest attainable standard of health.

(g) States shall ensure that all children enjoy health care, with emphasis on preventive measures, health education and a diminution of infant mortality.

(h) Primary education must be compulsory and free of charge.

(i) Children must be granted time to rest and engage in recreational activities and must be given equal opportunities to engage in cultural activities.

(j) States shall protect children from economic exploitation and from any work that is likely to interfere with a child's education or to be harmful to the child's health.

(k) No child under 15 years of age shall be involved in military operations and children who are victims of armed conflict should be afforded special protection.

More than 160 States, including Iraq, have so far acceded to the Convention.

II. Impact of the embargo on Iraqi children

7. A compulsory and comprehensive embargo was imposed on Iraq under the terms of Security Council resolution 661 of 8 August 1990. Although medicines and foodstuffs were exempted, in practice this exemption was to no avail since Iraq was denied any opportunity to obtain financial resources following the ban on the export of its petroleum and the freezing of its assets abroad. In

addition, Iraq was prevented from importing medical, laboratory and pharmaceutical requisites and various medicines that it had contracted to purchase and the price of which it had paid in hard currency before 2 August 1990.

8. The shortage of food and medicine had a greater impact on children due to their vulnerability and their physical and mental immaturity. The effects of their present sufferings will extend into the future, thereby paralysing and destroying society, particularly if we bear in mind the fact that, according to the latest UNICEF statistical report, the number of Iraqi children in the 0-15 age group amounted to about 8.9 million in 1992.

9. Since the embargo was imposed, the mortality rate from certain diseases among children under 15 years of age has increased in comparison with the pre-embargo rate.

For example, we find that the number of deaths from diarrhoea increased from 96 in November 1989 to 1,270 in November 1994. In the case of pneumonia, the number of deaths increased from 110 in November 1989 to 1,551 in November 1994. The number of deaths from malnutrition increased from 52 in November 1989 to 1,741 in November 1994.

10. The number of deaths in the under-five age group from various causes attributable to the embargo were as follows:

Year	Number of deaths	Year	Number of deaths
1989	7 110	1992	46 933
1990	8 903	1993	49 762
1991	27 473	1994 (Jan.-Sept.)	38 844

11. All this is happening to the children of Iraq even though article 6, paragraph 1, of the Convention on the Rights of the Child stipulates that "States Parties recognize that every child has the inherent right to life", while article 24, paragraph 2, places the States Parties under an obligation to take appropriate measures to diminish infant and child mortality. In paragraph 20 of the World Declaration on the Survival, Protection and Development of Children, the world leaders attending the World Summit for Children held at New York on 30 September 1990 undertook to work for a solid effort of national and international action to enhance children's health, to promote pre-natal care and to lower infant and child mortality in all countries.

12. Since the beginning of the embargo, the proportion of children born with a birth weight of less than 2.5 kg has risen sharply from around 4.5 per cent in 1990 to 21.5 per cent in 1994. This means that many of those Iraqi children will be afflicted with deformities or disabilities due to the shortage of basic foodstuffs for expectant mothers, who are therefore exposed to the dangers of anaemia and diseases associated with malnutrition, which stunt the natural growth of their unborn or newborn children.

13. The monthly average number of children under five years of age suffering from vitanition rose from 41 in 1990 to 1,797 in 1994 and the average number of cases of emaciation due to malnutrition increased from 433 in 1990 to 16,006 in 1994. The disease kwashiorkor (protein deficiency) had been unknown in Iraq for many years, but 1,744 cases of this disease are now reported every month.

14. The infliction of such suffering on Iraqi children is totally incompatible with the provisions of the Convention on the Rights of the Child, article 6, paragraph 2, of which stipulates that "States Parties shall ensure to the maximum extent possible the survival and development of the child". Article 24, paragraph 2, further stipulates that "States Parties shall take appropriate measures: ... (c) To combat disease and malnutrition, including within the framework of primary health care; (d) To ensure appropriate pre-natal and post-natal health care for mothers".

15. The effects of the embargo are not confined to the physical aspect. A field survey undertaken by two members of the teaching staff at the Mustansiriya University and supervised by the Iraqi Child Support Association clearly showed that the psychological, social and educational consequences of the embargo were just as severe as its physical consequences. The survey, which took a whole year to complete and ended in March 1993, was based on a sample of 2,000 male and female children from 50 schools dispersed throughout the city of Baghdad. Its findings were as follows:

(a) There was an increased feeling of fear and anxiety due to the child's exposure to frustration and repression. Children's anxiety is usually expressed through tears and insomnia and, according to Fisher's formula (probable average), the incidence of this condition amounted to 22.2 before the embargo and increased to 49.4 after the embargo.

(b) There was an increased desire to acquire and possess things due to the fact that the children's basic needs were not satisfied. The incidence of this amounted to 20.9 before the embargo and increased to 48.8 after the embargo. This state of affairs led to the emergence of the phenomenon of theft among children, particularly in regard to money, academic requisites and food.

(c) There was an increase in excitability and irritability, the incidence of which amounted to 21.7 before the embargo and 47.4 after the embargo.

(d) There was an increase in lying among children, the incidence of which amounted to 24 before the embargo and 51.9 after the embargo.

(e) There was an increase in aggressive behaviour in some children, the incidence of which amounted to 22.5 before the embargo and increased to 43.9 after the embargo due to frustration, deprivation of desired items and hunger.

(f) There was an increase in the incidence of insularity and social introversion, which amounted to 21.6 before the embargo and increased to 40.6 after the embargo.

(g) The incidence of the phenomenon of falling asleep during studies increased from 18 before the embargo to 33.7 after the embargo due to the fact that children were deprived of proteins and vitamins, particularly vitamin B and iodine.

(h) The incidence of loss of self-confidence increased from 22.3 before the embargo to 40.1 after the embargo due to fear and the disturbed family environment.

(i) The degree of difficulty that children experienced in concentrating and paying attention increased from 25.3 before the embargo to 50.9 after the embargo. The degree of difficulty in assimilating and understanding increased from 25.2 before the embargo to 50.7 after the embargo. The degree of difficulty in remembering increased from 25.7 before the embargo to 49.7 after the embargo.

(j) Some adverse educational phenomena increased. For example, the incidence of failure to do homework increased from 24 before the embargo to 50.7 after the embargo; the incidence of failure to assume responsibility increased from 23 before the embargo to 45.8 after the embargo and the incidence of truancy from school increased from 19.3 before the embargo to 37.2 thereafter.

(k) The incidence of ill-treatment of children by their families increased from 21.6 before the embargo to 42.5 after the embargo due to the problems that families were experiencing and which usually lead to juvenile delinquency and a feeling of deprivation and mental anxiety.

The above-mentioned results are totally incompatible with the provisions of article 39 of the Convention on the Rights of the Child, which stipulates that "States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of cruel, inhuman or degrading treatment or punishment or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child".

16. The consequences of the embargo have not been confined to aspects of the physical and mental health of Iraq's children; they also extend to education, since the embargo has prompted large numbers of students to abandon their studies in order to work in the private sector and help their parents or guardians to meet their living expenses. Families are also faced with the need to buy clothing for their children, to meet the cost of transport from home to school and vice-versa and to pay high prices for stationery.

All this has helped to increase the phenomenon of drop-outs, the number of whom amounted to 73,381 primary school children during the academic year 1993/94. The number of drop-outs from secondary education during the same year amounted to 56,816 male and female students. There was also a decline in the primary school enrolment rate among children in the compulsory-education age group. The number of pupils enrolled for primary education during the present academic year 1994/95 amounted to 3,392,560 as compared with a planned enrolment of 3,745,532, i.e. a deficit of 352,972 children who should be attending school.

17. The embargo has had an extremely serious impact on the school environment. Out of a total of 11,000 school buildings, 8,613 are in need of renovation and are suffering from maintenance and sanitation problems due to the aerial bombardment by the Coalition States during the aggression against Iraq when those buildings that were not destroyed in the bombardment were destroyed by gangs of thugs. As a result, the remaining schools are overcrowded with students, who spend the shortest possible time there. The hygienic environment in the schools has deteriorated, thereby exposing students to the risk of infectious diseases, and the situation has been aggravated by the lack of disinfectants, detergents and medicines due to the embargo.

18. The impact of the embargo on the drop-out rate from primary and secondary schools, as well as the deplorable condition of those schools, are clearly shown by the above-mentioned statistics. This situation is incompatible with the provisions of article 28, paragraph 1, of the Convention on the Rights of the Child, which stipulates that "States Parties recognize the right of the child to education". Subparagraph (a) places the States Parties under an obligation to "make primary education compulsory and available free to all", while subparagraph (e) obliges the States Parties to "take measures to encourage regular attendance at schools and the reduction of drop-out rates".

The need for students to drop out from school in order to seek employment is totally incompatible with article 32 of the Convention on the Rights of the Child, which stipulates that "States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education".

19. From the above, it is evident that the bodies, minds and mentalities of Iraqi children are constantly being sapped by the embargo, which is depriving them of the fundamental requirements needed to safeguard their lives. There are no basic vaccines, no balanced nutrition and no preventive or curative medication. This runs totally counter to the universal ethical principle to the effect that premature death or disability at a time when means to prevent them are available should be regarded, like colonialism and racism, as abhorrent to the human conscience.

20. The failure of States to take positive measures to lift or alleviate the embargo that has been imposed on the people of Iraq means that there is negative international cooperation to maintain it. This is incompatible with the Charter of the United Nations and the purposes and principles for which that Organization was established. Article 1, paragraph 3, of the Charter stipulates that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all. That negative attitude is also incompatible with the Convention on the Rights of the Child, article 24, paragraph 4, of which stipulates that "States Parties undertake to promote and encourage international cooperation with a view to achieving progressively the full realization of the right recognized in the present article (concerning enjoyment of the highest attainable standard of health). In this regard, particular account shall be taken of the needs of developing countries".

21. The people of Iraq, and particularly their children, are faced with destruction by a weapon that is just as horrendous as any weapon of mass destruction, namely the economic embargo weapon to which one million persons, half of whom were children, have fallen victim during the last four years.

This destruction is a form of genocide of the people of Iraq: it is an international crime punishable under international law, regardless of whether it is committed in time of war or peace.

Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide defines acts of genocide as: killing members of the (ethnic or religious) group; causing serious bodily or mental harm to members of the group; or deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.

22. These acts are undoubtedly being committed deliberately through the imposition and maintenance of the economic embargo which can no longer be justified now that the reasons that led to its imposition no longer apply.